

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 52**

[CA 043-0017b; FRL-5617-5]

Approval and Promulgation of State Implementation Plans; California State Implementation Plan Revision; Kern County Air Pollution Control District; Santa Barbara County Air Pollution Control District; South Coast Air Quality Management District**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Proposed rule.

SUMMARY: EPA is proposing to approve revisions to the California State Implementation Plan (SIP) which concern the control of volatile organic compound (VOC) emissions from organic solvent degreasing operations, petroleum storage tank degassing, and gasoline transfer and dispensing operations. The intended effect of proposing approval of these rules is to regulate emissions of VOCs in accordance with the requirements of the Clean Air Act, as amended in 1990. In the Rules section of this Federal Register, EPA is approving the State's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial action and anticipates no adverse comments. A detailed rationale for this approval is set forth in the direct final rule. If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this document. Any parties interested in commenting on this action should do so at this time.

DATES: Comments on this proposed rule must be received in writing by November 6, 1996.

ADDRESSES: Written comments on this action should be addressed to: Daniel A. Meer, Rulemaking Section (A-5-3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901.

Copies of the rules and EPA's evaluation report of each rule are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted rules are also available for inspection at the following locations:

Environmental Protection Agency, Air Docket (6102), 401 "M" Street, S.W., Washington, D.C. 20460

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 "L" Street, Sacramento, CA 95812

Kern County Air Pollution Control District, 2700 "M" Street, Suite 290, Bakersfield, CA 93301

Santa Barbara County Air Pollution Control District, 26 Castilian Drive, B-23, Goleta, CA 93117

South Coast Air Quality Management District, 21865 E. Copley Drive, Diamond Bar, CA 91765-4182

FOR FURTHER INFORMATION CONTACT: Mae Wang, Rulemaking Section (A-5-3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901, Telephone: (415) 744-1200.

SUPPLEMENTARY INFORMATION: This document concerns Kern County Air Pollution Control District (KCAPCD) Rule 412.1, Transfer of Gasoline into Vehicle Fuel Tanks; KCAPCD Rule 410.3, Organic Solvent Degreasing Operations; KCAPCD Rule 102, Definitions; Santa Barbara County Air Pollution Control District (SBCAPCD) Rule 343, Petroleum Storage Tank Degassing; and South Coast Air Quality Management District (SCAQMD) Rule 461, Gasoline Transfer and Dispensing. The California Air Resources Board submitted these rules for incorporation into the SIP. The following table contains the adoption and submittal dates for each rule.

Rule No.	Adopted	Submitted
KCAPCD 412.1	11/9/92	1/11/93
KCAPCD 410.3	3/7/96	5/10/96
KCAPCD 102	3/7/96	5/10/96
SBCAPCD 343	12/14/93	3/29/94
SCAQMD 461	9/8/95	1/31/96

For further information, please see the information provided in the direct final action which is located in the Rules section of this Federal Register.

Authority: 42 U.S.C. 7401-7671q.

Date Signed: September 17, 1996.

Felicia Marcus,

Regional Administrator.

[FR Doc. 96-25468 Filed 10-4-96; 8:45 am]

BILLING CODE 6560-50-W

DEPARTMENT OF TRANSPORTATION**Federal Highway Administration****49 CFR Parts 383 and 391**

[FHWA Docket No. MC-93-23]
~~FHWA-97-2210-102~~
 RIN 2125-AD20

Commercial Driver Physical Qualifications as Part of the Commercial Driver's License Process

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of meeting of negotiated rulemaking advisory committee.

SUMMARY: The FHWA announces the meeting date of an advisory committee (the Committee) established under the Federal Advisory Committee Act and the Negotiated Rulemaking Act to consider the relevant issues and attempt to reach a consensus in developing regulations governing the proposed merger of the State-administered commercial driver's license (CDL) procedures of 49 CFR Part 383 and the driver physical qualifications requirements of 49 CFR Part 391. The Committee is composed of persons who represent the interests that would be substantially affected by the rule.

The FHWA believes that public participation is critical to the success of this proceeding. Participation at meetings is not limited to Committee members. Negotiation sessions are open to the public, so interested parties may observe the negotiations and communicate their views in the appropriate time and manner to Committee members.

For a listing of Committee members, see the notice published on July 23, 1996, 61 FR 38133. Please note that the United Motorcoach Association and the American Bus Association will serve as full members of the Committee. For additional background information on this negotiated rulemaking, see the notice published on April 29, 1996, at 61 FR 18713.

DATES: The third meeting of the advisory committee will begin at 10 a.m. on October 22-23, 1996.

ADDRESSES: The third meeting of the advisory committee will be held at the Department of Transportation, Nassif Building, Room 4200, 400 7th Street, SW., Washington, DC. Subsequent meetings will be held at locations to be announced.

FOR FURTHER INFORMATION CONTACT: Ms. Teresa Doggett, Office of Motor Carrier Research and Standards, (202) 366-4001, or Ms. Grace Reidy, Office of Chief Counsel, (202) 366-0834, Federal

Highway Administration, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m. e.t., Monday through Friday, except Federal holidays.

Authority: [5 U.S.C. §§ 561-570; 5 U.S.C. App. 2 §§ 1-15]

Issued on: October 1, 1996.

Jill L. Hochman,

Acting Associate Administrator for Motor Carriers

[FR Doc. 96-25594 Filed 10-4-96; 8:45 am]

BILLING CODE 4910-22-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018-AC01

Endangered and Threatened Wildlife and Plants; Withdrawal of the Proposed Rule to List the Plants *Dudleya blochmaniae* ssp. *brevifolia* (Short-leaved Dudleya) as Endangered, and *Corethrogyne filaginifolia* var. *linifolia* (Del Mar Sand-aster) as Threatened

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; withdrawal.

SUMMARY: The U.S. Fish and Wildlife Service (Service) withdraws the proposed rule, published in the Federal Register on October 1, 1993 (58 FR 51302), to list *Dudleya blochmaniae* ssp. *brevifolia* (short-leaved dudleya) as an endangered species and *Corethrogyne filaginifolia* var. *linifolia* (Del Mar sand-aster) as a threatened species under the Endangered Species Act of 1973, as amended (Act). Additional information has become available to the Service since publication of the proposed rule indicating that *Corethrogyne filaginifolia* var. *linifolia* is no longer recognized as taxonomically distinct and therefore does not qualify for listing under the Act. The threats to *Dudleya blochmaniae* ssp. *brevifolia* have decreased since the proposed rule was published. *Dudleya b. ssp. brevifolia* is considered a "covered species" within the Multiple Species Conservation Program (MSCP) of southern San Diego County. A substantial measure of interim protection is provided by a Resource Protection Ordinance of the City of San Diego. Upon final approval of the MSCP, anticipated in late 1996, it will provide preservation, monitoring, and management within the City of San Diego that addresses the conservation of this taxon.

ADDRESSES: The complete file for this rule is available for public inspection, by appointment, during normal business hours at the Carlsbad Field Office, U.S. Fish and Wildlife Service, 2730 Loker Avenue West, Carlsbad, California 92008.

FOR FURTHER INFORMATION CONTACT: Fred Roberts, Biologist (see **ADDRESSES** section) (telephone: 619/431-9440).

SUPPLEMENTARY INFORMATION:

Background

On October 1, 1993, the Service published in the Federal Register (58 FR 51302) a proposal to list six taxa of plants from southern maritime chaparral in San Diego and southern Orange counties, California, as endangered or threatened. *Corethrogyne filaginifolia* var. *linifolia* Hall (Del Mar sand-aster) was included in this proposal. The Service has received additional information regarding the taxonomic status of *C. filaginifolia* var. *linifolia* indicating that this taxon is not distinct from the more widespread *Lessingia filaginifolia* var. *filaginifolia* (Lane 1992, 1993). The Service has considered this new information and determines that the taxon does not qualify for listing under the Act. In determining the taxonomic validity of species, the Service applies current taxonomic understanding (usually as represented in published revisions and monographs). The status and/or validity of such taxa may be reevaluated in the future on the basis of new information.

Dudleya blochmaniae ssp. *brevifolia* Moran was proposed as endangered in the October 1, 1993, rule. Since the publication of the proposed rule, the MSCP, a regional planning effort in southwestern San Diego County, has been developed, is presently in a public review process, and has been submitted to the Service by the City of San Diego as part of an application for a section 10(a)(1)(B) incidental take permit for 85 species, including *Dudleya blochmaniae* ssp. *brevifolia*. The incidental take permit would be immediately effective only for listed species. The Service and the City of San Diego have jointly prepared a *Recirculated Environmental Impact Report/Environmental Impact Statement, Issuance of Take Authorizations for Threatened and Endangered Species due to Urban Growth within the Multiple Species Conservation Program (MSCP) Planning Area*. This document, released on August 30, 1996, for a 45-day public review period, assesses the effects of land-use decisions that will be made by local jurisdictions to implement the

plan and the effects of the proposed issuance of the incidental take permit on the 85 species. A decision on the permit issuance is expected in late 1996.

The MSCP will, upon approval, set aside preservation areas and provide monitoring and management for the 85 "covered species" addressed in the City of San Diego permit application, including *Dudleya blochmaniae* ssp. *brevifolia*. "Covered species" are taxa that will be adequately conserved by the plan's proposed preservation and management. Of the six extant populations of *D. b. ssp. brevifolia*, four, including all the major populations, are within the City of San Diego and would be protected within the proposed MSCP preserve. Moreover, protection is currently afforded *D. b. ssp. brevifolia* populations located on State lands managed for habitat conservation (e.g., Torrey Pines State Park).

While some of these populations would still be subject to edge effects and recreational impacts related to the proximity of existing development (Crest Canyon, Torrey Pines State Park Extension) and proposed development (Carmel Mountain), proposed management in the MSCP would reduce existing threats to allow stabilization of *Dudleya b. ssp. brevifolia* (City of San Diego 1995; OGDEN 1995; U.S. Fish and Wildlife Service 1996; Cindy Burrecano, California Native Plant Society, *in litt.*, 1996). The Carmel Mountain population in the City of San Diego is the largest and most significant population of this taxon. The proposed preserve design, as defined by the MSCP, will provide for about 90 percent preservation at this site.

Although the MSCP has not yet been formally approved by the City of San Diego and most other participating jurisdictions, and the Service has not yet issued the permit, *Dudleya blochmaniae* ssp. *brevifolia* is protected by a Resource Protection Ordinance of the City of San Diego Municipal Code that applies to all biologically sensitive lands (§ 101.0462). Areas containing populations of *D. b. ssp. brevifolia* meet the municipal code definition of "biologically sensitive lands" because the taxon is listed under the California Endangered Species Act. Furthermore, the City of San Diego considers lands within the proposed preserve to be some of the most sensitive lands in the city (Keith Greer, Development Services, City of San Diego, pers. comm., 1996). In addition, any development proposed in the preserve area would take, at a minimum, one year to complete the building permit process (K. Greer, pers. comm., 1996) and therefore extend well